

REMARKS

Claims 1-79 appear in this application. Claims 41-70 and 75-79 are elected for the Examiner's review and consideration in this application.

The outstanding Office action requires restriction under 35 U.S.C. 121 to one of the following inventions:

- I. Claims 1-29, drawn to methods of filtering and deriving respiratory signals.
- II. Claims 30-40, drawn to methods for processing a lung volume signal.
- III. Claims 41-70 and 78-79, drawn to methods for recognizing respiratory events.
- IV. Claims 71-74, drawn to methods of determining parameters for discriminating between respiratory events.

Further, claims 75-77 have been found to link inventions I, II, III, and IV. If the linking claims are found to be allowable, the restriction requirement as to Groups I, II, III, and IV will be withdrawn and all filed claims will be examined.

In response, Applicants elect for examination in this application the invention directed to recognizing respiratory events. The elected invention is encompassed by the claims of group III, claims 41-70, 78, 79, as well as the linking claims, claims 75-77. It is submitted that this election of invention and encompassing claims fully meets the requirements of the present restriction requirement.

Further, Applicants traverse the present restriction requirement because the inventions contended to be independent and distinct are not actually independent and distinct as currently claimed by Applicants. Generally, the present invention has particular practical utility when respiratory events are recognized (group III) in processed lung volume signals (group II) which are derived from filtered respiratory signals (group I), particularly respiratory signals responsive to the sizes of a subject's rib cage and abdomen.

This practical utility is clearly set forth in claim 41, which is reproduced below.

41. A method for recognizing respiratory events in a monitored subject's respiration comprising:
 deriving a signal (Vt) indicative of lung volume from a plurality of respiratory signals received from the monitored subject, and
 deriving one of more temporal sequences of one or more respiratory parameters from the Vt signal, and
 recognizing one or more respiratory events in dependence on at least one of the derived temporal sequences of respiratory parameters.

The first step of this claim recites deriving a lung volume signal (Vt) from respiratory signals. Additional embodiments of this step are separately claimed in the claims of group I, claims 1-29. The second step recites deriving respiratory parameters from the derived lung volume signal. One embodiment of this step is recited in claim 42, dependent on claim 41, and additional embodiments are separately claimed in the claims of group II, claims 30-40. Lastly, the third step recites recognizing respiratory events from the derived respiratory parameters. Additional embodiments of this step are recited in the remaining claims dependent on claim 41, which are the claims of group III, claims 43-70 and 78-79.

In summary, what Applicants regard as their invention is most particularly pointed out and most distinctly claimed by the methods of claim 41. The other pending claims are structured so that most further embodiments of the third step of claim 41 are recited in dependent claims of claim 41, while most further embodiments of the first and second steps of claim 41 are separately claimed in claims 1-29 and 30-40, respectively.

Therefore, it is submitted that the pending claims can be considered as a claimed combination setting forth details of certain sub-combinations (the three steps of claim 41) while further details of the claimed sub-combinations are recited in separate groups. (claims 1-40). The M.P.E.P. states, at e.g. § 806.05(c)(I), that restriction in these circumstances is never proper.

CONCLUSION

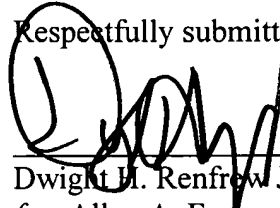
In view of the above remarks, Applicants respectfully request that the present restriction requirement be withdrawn and all claims be examined in this application. Alternatively, the Applicants elections as previously set forth are believed to fully and completely satisfy the present restriction requirement. Should the Examiner find the present paper not to be a complete

response to the restriction requirement, a telephone call is respectfully requested to resolve any issues.

Date:

September 29, 2006

Respectfully submitted,



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